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MAE News: Newsletter from the Office of Monitoring, Audit and Enforcement, Winter 2009

Maine Workers' Compensation Board

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MAE News

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Winter 2009

Volume 4, Number 4



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Spring Training Session

Our next open training sessions will take place on April 23rd and 24th, 2009 in our Portland Regional Office at 62 Elm Street. The April 23rd session will present the Board's Basic Compliance training that provides forms filing compliance as well as basic wage and compensation rate training. The April 24th session will present the Board's Advanced Compliance training that provides advanced wage and partial rate calculation training.

To sign up for the Basic Compliance training, contact Anne Poulin at (207) 287-7067 or Anne.Poulin@maine.gov. To sign up for the Advanced Compliance training, contact Marlene Swift at (207) 287-7014 or Marlene.Swift@maine.gov.

If your company is in need of personalized training on form filing or other compliance issues, please contact Anne Poulin at (207) 287-7067 or send her an e-mail at Anne.Poulin@maine.gov. We can design our training to suit your needs.

Full Duty Medical Releases and Section 205(9)(A)

The MAE Program's position with respect to a "full duty medical release" or "release to return to work without restrictions" is that neither constitutes a "return to work" or "increase in pay" pursuant to the plain language of Section 205(9)(A).

The WCB-4, Discontinuance or Modification of Compensation form, may only be used to discontinue benefits pursuant to Section 205(9)(A) if the employee has actually returned to work for the employer of injury and/or the employee's post-injury wages (from the employer of injury) equal or exceed his/her pre-injury AWW.

The WCB-4, Discontinuance or Modification of Compensation form, may only be used to reduce benefits pursuant to Section 205(9)(A) if the employee has actually returned to work for the employer of injury and/or the employee's earnings from the employer of injury have actually increased.

Therefore, a "full duty medical release" or "release to return to work without restrictions" cannot be the basis for a discontinuance or reduction pursuant to Section 205(9)(A).

The "full duty medical release" or "release to return to work without restrictions" may, however, be used to support a discontinuance or reduction pursuant to Section 205(9)(B). Section 205(9)(B)(1) allows benefits to be discontinued or reduced with a WCB-8, (21-Day) Certificate of Discontinuance or Reduction of Compensation provided that no order or award of compensation or compensation scheme has been entered. If an order or award of compensation scheme has been entered, benefits may only be discontinued or reduced by filing Petition for Review with the Board in accordance with Section 205(9)(B)(2).



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Incapacity Date on Initial MOP Must Indicate First Day of Disability

A review of the Third Quarter 2008 Reconciliation Report indicated that some initial MOPs were filed with incorrect information in Box 23 (Date of Incapacity).

When completing Box 23 (Date of Incapacity) of the initial MOP, please enter the first day qualifying as a day of disability in the initial period of disability (even if it is not yet compensable).

Example: The claimant is disabled on June 20, 2008 for 6 days, then returns to work. Subsequently, the claimant is disabled an additional 5 days and returns to work again.

The Date of Incapacity as reported in Box 23 must reflect the first day qualifying as a day of disability (i.e. 06/20/2008) even though that day is not yet compensable due to the 7 day waiting period.

Date Employer Notified of Incapacity Form Filing Reminders

The timeliness of most Board forms is measured from the date the employer had notice or knowledge of the incapacity. While an employer may have advanced notice or knowledge of the incapacity (i.e. scheduled surgeries), the date the employer had notice or knowledge of the incapacity as reported on Board forms should never precede the date of incapacity.

Also, to avoid the appearance of a 14-day violation, please note that the "Date Employer Notified" (of incapacity) field (Box 20b) on the Notice of Controversy form is for the current incapacity.

The Maine Workers' Compensation Board's Website Can Answer Many Routine Questions

Before you pick up the phone or send an e-mail, take a look at the Board's website to see if the information you're looking for is already there. Not only will this save you time today but it will be a "go to" website for you in the future.

Whether you're looking for contact information, answers to basic questions, or guidance regarding EDI filings, the Board's website should be the first stop on your information journey.

Looking for information on how to fill out Board forms? Find the Board's Forms and Petitions Manual at: <http://www.maine.gov/wcb/departments/publications.htm>

Need to find your company's compliance-related information? Check out this link: <http://www.maine.gov/wcb/departments/mae/mae/monitor.htm>

So, whatever your question, check the Board's website to see if it can be answered there first. Remember...www.maine.gov/wcb.